

REMARKS

Claims 1-17 are pending in this application. Amendments to Claims 1, 8, 14, and 15 have been made. New Claims 18-20 have been added. Claims 1-20 remain in the application.

Independent Claims 1, 8, 14, and 15 have been amended to respond to the Examiner's objection regarding the phrase "talk round mode." Applicants apologize for these typographical mistakes. Further, independent Claims 1, 8, 14, and 15 have been amended to clarify Applicant's claimed invention so that the Examiner understands that the claims are directed to devices *participating* in a *group* call and that the reverse channel is a *common* channel that is *temporally* the same for all the receiving devices involved in the group call. Support for these amendments is found in Applicants' specification. Specifically, support for *common* is found on page 2, lines 24-25 of Applicants' specification. Further, support for *temporal* is found on page 4, lines 28-31 of Applicants' specification. Thus, no new matter has been introduced by these amendments.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schroderus (5,822,682) in view of Chen (US 2003/0134655). Claims 11-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schroderus in view of Chen as applied to Claim 8 and further in view of Komatsu (5,852,782). Applicants respectfully disagree and traverse the rejections.

The Examiner states that "Schroderus teaches a method of transmit power control during a group call to a plurality of devices comprising the steps of: at a receiving device in a time division multiplexing system wherein the receiving device is in the group call in talk around mode (Figure 1, Column 4 lines 57-59, Column 5 lines 36 – 39)..." The Examiner's reliance on Schroderus is mistaken.

Specifically, Schroderus describes radio to radio calls in direct mode communication and whether a radio is allowed to transmit. In such an environment, Schroderus describes a method to decrease collisions between two or more transmissions on a direct mode channel. Schroderus, col 2 lines 37-41, col 2 lines 51-53. That is, a radio unit *intending* to transmit its transmission on the direct mode channel with an intended transmit power first monitors the quality of the transmissions on the direct mode channel and the transmit power information employed by the

other transmitting radios to determine whether it can start transmitting on the channel with a low probability of interference with transmissions from other active radio units already using the channel. Schroderus, col 2 line 57 – col 3 line 5, col 4 line 63 – col 5 line 5, FIG. 2.

Specifically, Schroderus describes the process *prior* to the direct mode communication. The process of observing whether another radio is transmitting prior to using the channel is well known. Schroderus, column 5, lines 63-67 and column 6, lines 1-3. In Schroderus, the receiving radio estimating the signal quality is not in a group call in talk around mode with a transmitting radio but is estimating the signal quality on the transmission with the intention to transmit its own transmission with low probability of causing interference with the current active transmission on the channel. Thus, the receiving radio unit intends to *initiate* its own transmission and is not one of the radios units in a group call. As such, Schroderus does not describe communication for *during* the direct mode communication and does not describe controlling power of the transmitter *during* a group call.

Applicant's claimed invention requires that the devices be involved in a group call and such a limitation is missing from Schroderus, Schroderus is an improper basis for rejection applications claimed invention. As such, any rejection based upon Schroderus is improper and should be withdrawn.

As amended, Applicants' claims require that the reverse channel is common and temporally the same for all receiving devices in the group call. In Schroderus, as the examiner has mentioned, the direct mode channel is shared via time slots. Schroderus, column 5, lines 31-39. The radio unit DMRU2 in Schroderus is monitoring the direct mode channel to ascertain that the direct mode channel is available for communication (i.e., DMRU3 is not transmitting) with the intention of initiating a transmission to DMRU1 on the same direct mode channel. It is not in a call with DMRU3. Further, the time slot used by DMRU2 when it determines the channel to be free (col 6, lines 15-20) is not temporally same and shared by all the receiving devices in the group call in talk round mode with the device DMRU3.

In contrast, Applicants' invention describes that the reverse channel is common and temporally the same. For example, "[t]here is a likelihood of collisions on the reverse channel as more than one device may transmit on the reverse channel. For example, collisions on the PC

slot may occur as more than one receiving device 102 may transmit a PC message requesting a transmit power increase” describes that the reverse channel is common and temporally same because collisions can occur. Applicants’ specification, page 5, first paragraph. Because Schroderus fails to mention or otherwise suggest that the reverse channel is temporally same and shared by the plurality of receiving devices in the group call in talk around mode, Schroderus is an improper basis for rejection Applicants’ claimed invention. As such, any rejection based upon Schroderus is improper and should be withdrawn.

Because Schroderus is an improper basis to reject Applicants’ claims, Schroderus in combination with any other reference also fails to make obvious Applicants’ claimed invention. Specifically, Schroderus in combination with Chen and/or Komatsu is improper and should be withdrawn.

Accordingly, it is respectfully requested that the application be reconsidered, that Claims 1-20 be allowed, and that the application be passed to issue.

Please charge any fees that may be due to Attorney’s Deposit Account No. 502117.

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